

st

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/090,015	SIMMONS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	M. R. Sedighian	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/7/06.
2. ☒ The allowed claim(s) is/are 22-34 and 38-44, renumbered as 1-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>4/17/06</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                              | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

*M. R. Sedighian*  
M. R. SEDIGHIAN  
PRIMARY EXAMINER

Art Unit: 2613

1. This communication is responsive to applicant's 4/7/06 amendments. Claims 22-34 and 38-44 are now pending.

2. The following is an examiner's statement of reasons for allowance:

As to claims 24, 28, 29, 38, and 40, the prior art of Xiong et al. (US Patent Application Publication No: 2002/0118421 A1), Nishi et al. (US Patent Application Publication No: 2002/0063926 A1), and Ishida et al. (US Patent No: 5,937,117) do not fairly teach or suggest means for configuring a plurality of connections in a network into a plurality spectral groups, wherein configuring the plurality of connections includes partitioning each of a plurality of connections into a plurality subconnections, and forming spectral groups for connection and subconnections that are routed on identical paths. As to claims 29, 38, and 40, the prior art of record further does not fairly teach or suggest determining whether any of the spectral groups exceed a maximum capacity of the spectral groups, and converting spectral groups that exceed the maximum capacity of the spectral group into two or more spectral groups that do not exceed the maximum capacity of the spectral groups, in combination of other limitations recited in respective claims 24, 28, 29, 38, and 40.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2613

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Xiong et al. (US Patent Application Publication No: 2002/0118421 A1) is cited to show an optical switch network (4, fig. 1a and page 2, paragraphs 0044, 0047, 0048) that includes optical routers (10, fig. 1a) which route information in optical fibers (12, fig. 1a), wherein each fiber carries plurality of data channels (20, fig. 1b) collectively as a data channel group (14, fig. 1b) and a control channel (16, fig. 1b).

Nishi et al. (US Patent Application Publication No: 2002/0063926 A1) is cited to show an optical transmission system (page 3, paragraph 0054) that is comprised of optical demultiplexers (28, 36, fig. 5), wavelength group generating sections (30, fig. 5), a cross-connect switch (34, fig. 5), wavelength converting sections (38, fig. 5) and multiplexers (32, 40, fig. 5).

Ishida et al. (US Patent No: 5,937,117) is cited to show an optical transmission system with optical switching means (col. 16, lines 45-67, col. 17, lines 1-34) that is comprised of optical splitters (35, 36, 37, 38, fig. 8), optical signal selectors (411, 421, 431, 441, fig. 8), wavelength converters (711, 721, 731, 741, fig. 8), and multiplexers (81, 82, 83, 84, fig. 8).

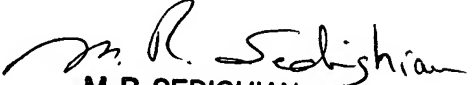
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. R. Sedighian whose telephone number is (571) 272-3034.

The examiner can normally be reached on M-F (from 9 AM to 5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**M. R. SEDIGHIAN**  
**PRIMARY EXAMINER**